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Chapter 15-09 Subdivision Ordinance

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Chapter 15-09 Subdivision Ordinance**15-09-01 Purposes.**

A. The purposes of this chapter are:

1. To promote the health, safety and general welfare of the residents of the City of Sandy [also referred to as “City” and “Sandy City” within this Chapter].
2. To ensure the efficient and orderly development of land within the City of Sandy.
3. To prevent the uncontrolled division and development of real property.
4. To avoid poorly planned developments that:
 - a. do not comply with the Sandy City General Plan or Sandy City ordinances;
 - b. cannot be adequately served by existing utilities or public services;
 - c. may prove to be dangerous or unsafe;
 - d. may cause an undue burden on existing traffic or transportation services; or
 - e. may require the future expenditure of public funds to correct problems caused by the development.
5. To minimize the number of boundary line disputes in the City and to eliminate existing property line gaps and property line overlaps.
6. To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and to provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services.
7. To provide design standards for public improvements, facilities and utilities, to provide for accesses to public rights-of-way, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights-of-way that are necessary to service the property.

B. This Chapter is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision requirements in this Chapter and other applicable ordinances and laws. Because each parcel of real property is unique and has its own set of problems to be dealt with, and because there may be some aspects of subdivision development that cannot easily be articulated, it is not possible to cover every possible contingency. Therefore, the Mayor, Planning Commission and/or the Director of Community Development and/or Fire Chief have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

1. the conditions are not arbitrary or capricious;
2. the Mayor, Planning Commission and/or the Community Development Director and/or Fire Chief finds that the conditions are necessary to promote the health, safety or welfare of the citizens of

Sandy; and

3. the conditions do not conflict with any applicable law.

15-09-02 **Construction of Terms**

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular. The words "lot," "plot," "tract," "plat," "parcel," and "development site" shall be considered synonymous when the context so requires. The term "construct" means "build," "erect," "alter," "move," "install," "repair," "reconstruct," "convert," or "maintain." The word "shall" is always mandatory. The terms "Mayor," "City Attorney," "Community Development Director," "Fire Chief," "Public Works Director," "Public Utilities Director" or "City Engineer" shall include their appointed agents and designees. Words not included herein, but which are defined in other Chapters of the Sandy City Land Development Code or Revised Ordinances of Sandy City, shall be construed as defined therein.

15-09-03 **Parcels Previously Divided**

Any parcel of property which was originally part of a parcel now being subdivided and/or which was divided off from the parcel being subdivided since July 18, 1960, shall be included in the preliminary plat of the proposed subdivision unless it has already been recorded as part of another subdivision.

15-09-04 **Review and Approval Procedures**

- A. The Owner/Developer submits a complete application in conformance with all City Ordinances and the Sandy City General Plan.
- B. The application is reviewed to determine compliance with all applicable City ordinances and the Sandy City General Plan.
- C. If the development proposed in the application meets all the applicable regulations and standards, it is forwarded to the Planning Commission for preliminary plat review.
- D. The Planning Commission may approve, conditionally approve, or deny the application request. If the Commission denies a request, it shall state the reasons for the denial.

15-09-05 **Necessity of Subdivision Plat Approval**

- A. Any division of real property located within the City of Sandy which conforms to the definition of subdivision as set forth in this Code is subject to the terms of this Chapter and must obtain the approval of the city before it may be filed or recorded at the County Recorder's Office.
- B. Unlawful Subdivision. It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property as defined in this Chapter before a final subdivision plat is approved and recorded pursuant to the requirements of this Chapter and applicable State law (Utah Code §10-9-804 or its successor).
- C. It is unlawful to amend, vacate, alter or modify any plat which has already been approved and/or recorded, without first receiving City approval of the amendment, vacation, alteration or modification.

- D. It is unlawful to divide real property in such a way that a parcel of property is created or left behind (lot remnant) that cannot be developed according to the requirements of the Sandy City Land Development Code or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips (other than those allowed by law), parcels created or left for the sole purpose of denying another property owner access to his or her property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the sensitive area requirements of the Sandy City Land Development Code, or parcels that cannot be included in future subdivided parcels, and parcels that do not abut on a dedicated street.

15-09-06 Preliminary Plats Required

- A. The purpose of the preliminary plat is to review and plan for the overall development of the subdivision and the land surrounding the subdivision.
- B. A preliminary plat must be approved for the parcel prior to final plat approval.
- C. Where developments are located in the Sensitive Overlay Zone, a conceptual plan shall be submitted for review by the Planning Commission. If the conceptual plan is acceptable, the developer may proceed to the preliminary approval stage.

15-09-07 Application for Preliminary Plat Approval

- A. The developer shall submit an application for preliminary plat approval to the Community Development Department. The time frame for when an application must be submitted in order to be heard at a given Planning Commission meeting shall be set by policy of the Community Development Department.
- B. The application for preliminary plat approval shall include the following:
1. Sixteen (16) full size (minimum size - 24" x 36") copies and one [1] 8½" x 11" reduction.
 2. All documents required in Subsection 15-09-08.
 3. Payment of all applicable fees.
 4. All necessary documents, reports, maps, etc. as required for developments located within the Sensitive Area Overlay or Planned Unit Development.

15-09-08 Content of Preliminary Plat and Required Documents

- A. The preliminary plat shall be drawn on standard drafting medium, and shall be drawn to scale. The scale indicated on each sheet, but shall not be less than one inch (1") equals fifty feet (50').
- B. The preliminary plat shall contain the following:
1. An arrow indicating north, drawn on each sheet.
 2. The proposed name of the subdivision. Approval of the subdivision name shall be authorized by the Salt Lake County Recorder's Office.

3. The names and addresses of the property owner(s), the developer and the engineer or surveyor of the proposed subdivision.
 4. The names and addresses of the current owners of all parcels immediately adjoining the proposed subdivision, and the boundary lines of such parcels, as may be required by the Community Development Director.
 5. Contours drawn at two (2) foot intervals.
 6. The boundary lines of the parcel to be subdivided.
 7. The dimensions and square footage of each lot.
 8. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided.
 9. The location and dimensions of existing and proposed farm or garden irrigation systems (including ditches and canals).
 10. Where the preliminary plat covers only a part of a larger unsubdivided area, the plat shall show the location of the subdivision as it forms part of the larger area, and shall include a sketch proposing a future street system to the unsubdivided area.
 11. A storm water drainage plan, approved by the City Drainage Manager or his designee, that is designed to accommodate the water generated by a "ten year storm" with 100 year routing.
 12. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
- C. Tabulations showing:
1. Total number of acres in the proposed development; and
 2. Total number of lots or buildings sites.
- D. The following documents shall be included with the application:
2. An application request for a proposed change to any existing zone boundaries or any zone classification which is necessary for approval of the proposed subdivision.
 3. Any other documents related to the development that the City may reasonably require.

15-09-09 Validity of Preliminary Plat Approval

- A. An approved preliminary plat is valid for two (2) years. The Planning Commission may grant a one (1) year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.
- B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the two (2) year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat

may be extended by the Planning Commission for one (1) year from the date of recording that final plat.

- C. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment of the originally approved preliminary plat.
- D. The Community Development Director may, in his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.

15-09-10 Application for Final Plat Approval

- A. The developer shall submit an application for final plat approval to the Community Development Department.
- B. The application for final plat approval shall include the following:
 - 1. Six (6) full size (24" x 36") copies.
 - 2. All documents required in Subsection 15-09-11.
- C. If required to be reviewed by Planning Commission, the applicant shall submit at least sixteen [16] full size (24" x 36") copies and one reduced copy (8½" x 11").

15-09-11 Content of Final Plat and Required Documents

- B. The final plat shall be drawn on a mylar sheet approved by the Salt Lake County Plat Division.
- C. The final plat shall be drawn with all lines, dimensions and markings made in waterproof black drawing ink.
- D. The final plat shall be drawn to scale. The scale shall be indicated on the plat and shall not be less than one inch (1" = fifty feet (50')).
- E. The final plat shall contain the following:
 - 1. An arrow indicating north on each sheet.
 - 2. The name of the subdivision, as approved by the Salt Lake County Recorder's Office.
 - 3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing, and which shall be referenced to two monuments.
 - 4. The names, widths, lengths, bearings and curve data of all areas intended for public use.
 - 5. Lot numbers, approved street names with coordinates as determined by staff and street addresses of which numbering shall be in accordance with the City street numbering system, as designated by the City Addressing Coordinator.

6. The bearings, dimensions, and square footage of each lot.
 7. The bearings, dimensions, and locations of all easements within the subdivision.
 8. A "Certificate of Survey" with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.
 9. An "Owners Dedication" with signatures from all property owners of the subdivision acknowledged by a notary public, as required by the Salt Lake County Recorder's Office and Sandy City.
 10. A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained within the final plat.
 11. A Planning Commission's approval block for the signature of the Planning Commission Chairman.
 12. A Salt Lake County Health Department approval block for appropriate signature.
 13. Sandy City Flood Control, City Engineer and Public Utilities Department signature blocks.
 14. A City Attorney's approval block for signature of the Sandy City Attorney.
 15. An approval block for the signatures of the Mayor and attestation by the City Recorder.
 16. Include all requirements of the Sensitive Overlay Zone upon the plat, including, but not limited to: location of known earthquake faults and their respective zones of deformation, hillside slopes greater than 30%, etc.
- E. The following documents shall be submitted with the final plat:
1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat. The City may adopt a policy governing additional requirements for Construction drawings. All Construction drawings shall have the designing engineer's state license seal stamped on all submitted sheets. No final plat shall be approved by the Mayor until the construction drawings have been approved by the City Engineer.
 2. Documents evidencing conveyances or consents from owners of property within the subdivision when such are required by law.
 3. A signed and notarized Public Improvement Agreement.
 4. A preliminary title report. (Must coincide with owners signatures on final plat)
 5. A bond to cover improvements as required by the City Engineer. Bonds acceptable to Sandy City include: Escrow, Surety, Letters of Credit, and Cash.
 6. Any other documents the City may require.
- F. The property must be developed and the improvements constructed in strict compliance with the

approved final plat, approved construction drawings, and the City's Construction Standards and Specifications. Failure to note any improvement required by this Chapter on the final plat or the construction drawings shall not eliminate the developer's responsibility to complete those improvements in the subdivision.

15-09-12 Final Plat Review and Approval

- A. The Community Development Director may review each application submitted to determine the completeness of the application. The Director shall review all applications for the purpose of determining compliance with all applicable City ordinances and the Sandy City General Plan. If the development proposed in the application meets all applicable regulations and standards including all required signatures, the Director shall:
 - 1. For plats mapping flat ground, forward the application to the Mayor for approval, unless required by the Planning Commission for further review. After Planning Commission approval, and other required signatures, the plat shall be forwarded to the Mayor for approval.
- B. The Mayor shall review the application for final plat approval and consider the recommendations of the Planning Commission and shall approve, modify, or deny the application request. The Mayor shall approve the application request if he/she finds that the final plat and documents comply with all applicable City ordinances. The Mayor shall affix his/her signature to the final plat upon approval of the plat, which signature shall be attested to by the City Recorder.
- C. All final plats must have the approval of both the Planning Commission and Mayor.
- D. The developer shall pay all applicable development fees as generated by the City Engineer prior to the City releasing the linen to be recorded.
- E. The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:
 - 1. 1 mylar copy of the recorded subdivision plat.
 - 2. 4 blue print copies of the recorded subdivision plat.
 - 3. 1 letter size (8½" x 11") copy of the recorded subdivision plat.

15-09-13 Validity of Final Plat Approval

The final plat shall expire and be void one (1) year after approval by the Mayor, unless the plat has been recorded. The Planning Commission may grant a six (6) month extension of the final plat, provided the final plat still complies with all applicable ordinances.

15-09-14 Changes to Final Plat

The Community Development, Public Utilities and Public Works Directors may, in their discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Community Development Director

determines the changes are substantially different from the original approval. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

15-09-15 Vacating or Changing a Subdivision Plat¹

A. Plat Vacation Process

1. The Planning Commission may, with or without petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.
2. If a petition is filed, the Planning Commission shall hold the public hearing within 45 days after it is filed.
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the City Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
4. A petition to vacate, alter or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 - a. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 - b. The signature of each of these owners who consents to the petition.
5. Petitions that lack the consent of all owners referred to in subsection (D) may not be scheduled for consideration at a public hearing before the Planning Commission until the notice required by this section is given.
6. When the Planning Commission proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this section.

B. Notice of Hearing for Plat Change²

1. The Planning Commission shall give notice of the date, place, and time of a hearing before them to consider a vacation, alteration, or amendment without a petition or to consider any petition that does not include the consent of all land owners as required by subsection (A) by mailing the notice of hearing to all owners referred to in Section (a) addressed to their mailing addresses appearing on the rolls of the county assessor of the county in which the land is located.
2. If the proposed change involves the vacation, alteration, or amendment of a street, the City shall give notice of the date, place, and time of hearing by:

¹ This section taken directly from Section 10-9-808, Utah Code.

² This subsection taken directly from Section 10-9-809, Utah Code.

- a. mailing notice as required in Subsection (B)(1); and
- b. publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.

15-09-16 Grounds for vacating or changing a plat.³

- A. Within 30 days after the public hearing required by this part, the Planning Commission shall consider the petition.
- B. If the Planning Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the Planning Commission may recommend to the Mayor to vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
- C. The City may ensure that the vacation, alteration, or amendment is recorded in the office of the county recorder.
- D. An aggrieved party may appeal the Planning Commission's decision to the City Council.

15-09-17 Lot Line Adjustments⁴

- A. Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:
 1. no new dwelling lot or housing unit results from the lot line adjustment;
 2. the adjoining property owners consent to the lot line adjustment;
 3. the lot line adjustment does not result in remnant land that did not previously exist; and
 4. the adjustment does not result in violation of applicable zoning requirements.
- B. The Petition shall be reviewed and approved the Community Development Director or his designee prior to recordation with the Salt Lake County Recorder's Office.

15-09-18 Required Subdivision Improvements

- A. The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the City's Construction Standards and Specifications.
 1. Street paving (including proper road base)
 2. Curbs, gutters, and sidewalks.
 3. Drive approaches for each lot.

³ This Section taken directly from Section 10-9-810, Utah Code.

⁴ This Section taken directly from Section 10-9-808(6), Utah Code.

4. Culinary water systems.
 5. Sanitary sewer systems.
 6. Surface water runoff drainage systems.
 7. City survey monuments.
 8. Permanent markers to identify lot corners (as required by Sandy City Engineering).
 9. Utilities (overhead and underground as required by this Development Code).
 10. Street Lighting System.
- B. The City may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:
1. Fire hydrants.
 2. Subsurface water drainage systems.
 3. Bridges.
 4. Fencing and barrier walls.
 5. Grading.
 6. Retaining walls.
 7. Landscaping and/or streetscape.
 8. Public facilities.
 9. Open Space and/or trails.
 10. Pipe, relocate, or abandon irrigation ditches.
 11. Engineered Footings.
 12. Extending and constructing roads, water lines and sewer lines beyond the boundary of the subdivision.
 13. Any other improvements as may be required by the Sandy City Engineer.
 14. Flood Control System
 15. Regulatory signs.
- C. In determining the particular needs of the subdivision and in determining whether any of the improvements specified in 15-09-18-A and 15-09-18-B should be required in a particular subdivision,

the City shall consider, among other things:

1. The requirements of the Uniform Building Code, Uniform Fire Code, City Ordinances, and the Urban Wildland Interface Code.
 2. The topography of the property, the type soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the city's storm water drainage master plan.
 3. The extent to which the proposed subdivision causes or contributes to the need for the improvement.
 4. The need for the improvement to protect the health, safety and welfare of residents of the subdivision and the community at large.
 5. The types of development and uses adjacent to the subdivision.
- D. The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements, but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the Developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees or be party to such agreements. The fees or the monies collected pursuant to agreements shall be used towards the costs of installing the improvements.
- E. All required improvements shall be completed and pass City inspections within two (2) years of the date the subdivision is approved or at a date to be determined by the City. All curb, gutter, sidewalk, base gravel and compaction must be installed in accordance with the City's standard specifications and details for municipal construction and approved by the City before any temporary or final occupancy permits will be issued for any lot in the subdivision.
- F. All subdivision improvements shall be completed by qualified contractors in accordance with the City's standard specifications and details for municipal construction. No work may be commenced on public improvements without first obtaining a permit from the City.
- G. Unless otherwise authorized by the Community Development Department Director, no building permit for any structure may be issued until the following subdivision improvements have been installed:
1. Street paving (including proper road base).
 2. Curb, gutter and sidewalk.
 3. Permanent markers to identify lot corners.
 4. Operational fire hydrants.
 5. Water and sewer line facilities.
 6. Storm drainage facilities.

- H. When installing any of the subdivision improvements, the developer and contractors shall be required to keep all paved streets, sidewalks and gutters within or outside the subdivision, free from any debris, trash, mud or dirt from the project. Upon notification by the City of a violation of this provision, the developer and/or contractors shall have the affected areas cleaned within twenty-four (24) hours. If he fails to do so, the City may clean the affected areas with the developer providing reimbursement to the City for all costs incurred. EXCEPTION: Small mounds of dirt placed over the curb, gutter and sidewalk may be placed during the initial construction phase of the home to protect the said improvements from damage. However, this exception does not release the developer or his successors from the requirement to keep the street clean and free of mud and debris.
- I. The requirement to install public improvements, i.e., curb, gutter, sidewalk, etc. may be waived by the Planning Commission for properties with design restraints. Cause for such waivers shall be noted on the plat.

15-09-19 Improvements Installation Priority

- A. Underground utilities, service lines, storm drainage facilities, water system, sewer system including laterals, shall be installed and approved prior to the installation of any other street improvements, unless the Public Utilities Director or the appropriate governing body waives this requirement in writing.
- B. All new sewer lines shall be inspected by the appropriate sewer district.
- C. All new water lines and/or connections shall be inspected by the Sandy City Public Utilities Department.
- D. All new storm drain facilities shall be inspected by the Sandy City Public Utilities Department and/or Public Works Department.
- E. All new street lights shall be inspected by the Sandy City Public Utilities Department.

15-09-20 Costs of Improvements

The developer shall pay for all costs of designing, purchasing, installing, warranting and otherwise providing the improvements required by this Chapter.

15-09-21 Bond for Improvements

- A. The developer of a subdivision shall bond for the proper and timely installation of all subdivision improvements required by the City. Required improvements include:
 - 1. All improvements required by City ordinances.
 - 2. Improvements shown on preliminary plats, final plats and construction drawings approved by the City.
- B. The developer's bond shall guarantee that all required improvements will:
 - 1. Be constructed in accordance with the City's standard specifications and details for municipal

construction as approved by the City Engineer.

2. Be completed and pass City inspection within two (2) years of the date that the bond is issued or other date if determined by the City.
 3. Remain free from defects for a period of one (1) year following the date that all improvements pass City inspection. A sum equal to ten percent (10%) of the total amount covered by the bond shall be held and not released for a period of one (1) year after all improvements are completed and final inspection is made by the City. The purpose of this warranty is to assure that the improvements will be free from defects or damage for at least one year. The developer shall repair or replace any improvements which are or become defective during this time period. All repairs or replacements shall be made to the satisfaction of the City. The City may require the developer to guarantee and warrant that any repairs remain free of defect for a period of one (1) year following the date that the repairs pass City inspection. The City may retain the developer's bond until the repairs have lasted through the warranty period, and may take action on the bond if necessary to properly complete the repairs.
- C. The bond guaranteeing the developer's timely and proper installation of required improvements shall be equal in value to at least one hundred ten percent (110%) of the cost of the required improvements, as estimated by the City Engineer. The purpose of the bond is to enable the City to make or complete the required improvements in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it receives adequate assurances that the improvements will be completed in a timely and proper manner. The additional ten percent (10%) will be used to make up any deficiencies in the bond amount and to reimburse the City for administrative costs, including attorney's fees.
- D. The bond types approved by Sandy City include: escrow, surety, letters of credit and cash in favor of the City. The City must approve any bond submitted pursuant to this section. The City reserves the right to reject any bond. Letters of credit and escrow bonds shall be from a federally insured bank or equivalent financial institution and shall be submitted on a form approved by the City Attorney.
- E. No final subdivision plat shall be recorded until the developer of the subdivision has clearance of all property taxes owed upon the parcels to be dedicated to the City and tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Chapter and agrees to indemnify and hold the City harmless from any claims, suits, or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).
- F. If for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this Chapter. If the developer is a corporation, the principal officers of the corporation may be personally liable to complete the improvements.
- G. The bonds required by this section are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision. The bonds are not for the purpose of ensuring payment of contractors, subcontractors, or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the bond for providing labor or materials.

15-09-22 Street Dedication

Unless previously dedicated, declared a private street, or located within a planned unit development, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat; provided, however, that in cases where a proposed street in the subdivision parallels undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, and as may be recommended by the City Engineer and approved by the Planning Commission and Mayor, the Mayor may waive the full width dedication requirement and allow the dedication of a lesser width if he or she finds that it promotes the public interest. In no case however, shall the pavement width allowed be less than twenty-five (25) feet.

15-09-23 Penalties.⁵

- A. Any plat of a subdivision filed or recorded without the approvals required by this part is void.
- B. Any owner or agent of the owner of any land who transfers or sells any land before a plan or plat of the subdivision has been approved and recorded as required in this part is guilty of a violation of this part for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this part.

⁵ This section taken directly from 10-9-811, Utah Code.